

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/054,022	CRAWFORD ET AL.	
	Examiner Michael J Hayes	Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to rce filed 3/11/04.
2.  The allowed claim(s) is/are 1-6.
3.  The drawings filed on 11 March 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3/11/04
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

Michael J Hayes  
Primary Examiner  
Art Unit: 3763

***Reasons For Allowance***

Claims 1-6 are allowed because the recited combination of elements of a needle assembly for blood collection including a hub having an inner and outer tube connected proximally and spaced distally with the outer tube having an aperture, a needle cannula connected to the distal end of the inner tube, a shield within a space between the inner and outer tubes having a deflectable finger projecting proximally and outwardly engaging in the outer tube aperture, a spring between the shield and hub to urge the shield to a distal position when inwardly directed forces displaces the actuator from the outer tube aperture, and a safety cap over the cannula is not found nor fairly taught in the prior art of record, as argued by applicant and agreed to by examiner.

Upon reconsideration of the rejections made in Paper mailed 1/21/04, the examiner agrees with Applicant's arguments in Paper received 3/11/04 that the relationship of elements that stop the finger's proximal face against the outer tube distal end, that a person of ordinary skill would find enabling to make and/or use, is found in the specification, particularly at page 5, lines 5-7 as pointed out by Applicant.

Upon reconsideration, the examiner agrees with Applicant that there would be no motivation to combine Vaillancourt and Grabis to modify Vaillancourt from a twisting technique to activate a shield to a push button activation. Additionally the limitation of the activation button on the shield extending proximally and outwardly is not found in the art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Hayes at (703) 305-5873. The examiner can usually be reached Monday - Thursday, 7:00-4:30, and on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler, can be contacted at (703) 308-3552. The fax number for submitting official papers is (703) 872-9306.

mjh  
19 April 2004

  
MICHAEL J. HAYES  
PRIMARY EXAMINER